REMARKS

Reconsideration of the above-referenced application is respectfully requested in view of the above amendments and these remarks. Claims 1-12 and 14-18 are currently pending.

Applicant has amended claims 1, 5 and 11 to correct an informality.

Claim 13 is objected to as being of improper dependent claim because it includes the limitations of claim 11 upon which it depends. Applicant has cancelled this claim to overcome the objection and requests that the objection be withdrawn.

Claims 16-18 are rejected under 35 U.S.C. § 112, second paragraph for containing a trademark, i.e. InfiniBand. Applicant has amended claims 16-18 to delete the trademark InfiniBand in reference to the switch. Thus, the switch can be any type of switch that is in compliance with the designated architecture. Applicant respectfully submits that the remaining use of Infiniband in the claim does not identify a particular material or product. The particular material or product claimed is a switch that has certain configuration, i.e. being compliant with the Infiniband Architecture Specification. In view of the amendment to claims 16-18, Applicant respectfully submits that the claims comply with the requirements of Section 112, second paragraph and are suitably definite. Applicant therefore requests that the rejection under Section 112, second paragraph, be withdrawn.

Claims 5-9 are provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 8-12 in co-pending Application No. 10/722,021 and over claims 9-13 in co-pending Application No. 10/722,022. As stated previously, Applicant notes these provisional rejections are just that, provisional, and will respond when and if the rejections are finalized.

Claims 1, 3-5, 7-11 and 13-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application No. 2003/0033427 A1 to Brahmaroutu. Applicant has reviewed the rejection and the cited sections of Brahmaroutu and respectfully traverses the rejection. In particular, Applicant continues to assert that Brahmaroutu does not disclose forwarding instructions create paths appropriate to make

the network operate as a strictly non-interfering network. Applicant's statements made in the September 6, 20007 Amendment are repeated and incorporated here.

The Specification defines a strictly non-interfering network. It states:

A strictly non-interfering network (SNIN) is a network for which the only queuing delays experienced by an admissible traffic pattern are attributable to the multiplexing of packets from slow links onto a faster link whose aggregate bandwidth at least equals the sum of the bandwidths of the smaller links. In a SNIN, competing traffic sources do not attempt to use the same network resources at the same time. The implementation of a SNIN requires that resources be dedicated through the network in support of an active communication session. In order to accomplish this, non-blocking networks can be used.

A network is non-blocking if it has adequate internal resources to carry out all possible admissible traffic patterns. There are different degrees of non-blocking performance based upon the sophistication of the control policy required to achieve non-blocking performance.

Most network switching applications allow the establishment of new connections and the tear down of old ones. It is possible that for a network with a non-blocking topology, a new connection can be blocked due to poor or unfortunate assignment of previously established connections. A strictly non-blocking network is a network for which any new admissible connection may be accepted independent of the state of preexisting connections, or the policy used to reroute preexisting connections, without changing the routes of the preexisting connections.

Specification page 5, lines 5-22. As seen, a strictly non-blocking network is a special type of non-blocking network, as there are different degrees of non-blocking networks, and is for where "any new admissible connection may be accepted independent of the state of preexisting connections, or the policy used to reroute preexisting connections, without changing the routes of the preexisting connections."

According to the Office Action, Brahmaroutu discloses a strictly non-blocking network in paragraph [0022.] In particular, the statement is made that "separate channels are used for different functions. In other words, a channel may be used for transporting send request and reply messages while another channel may be employed to move data between two nodes through switches so various sources do not attempt to use the same network resources." Applicant's review of paragraph [0022] and the rest of Brahmaroutu determines that the cited reference teaches that "separate channels may be created for moving data between the host system and any one of the remote systems" and that "any number of end nodes or end stations, switches and links may be used for relaying data in

groups of packets between end stations and switches . . .." Applicant asserts however that this teaching does not disclose a strictly non-blocking network as defined in the specification. Brahmaroutu discloses that links are used, but Brahmaroutu does not state that those links create a strictly non-blocking network. In fact, Brahmaroutu does not state that those links are non-blocking or what happens when the previously defined links would block a new link.

In view of the foregoing, Applicant respectfully submits that Brahmaroutu does not disclose that the forwarding table includes paths for a strictly non-interfering network as required by independent claims 1, 5 and 11. Applicant therefore submits that claims 1, 5, and 11 are not anticipated by the cited reference. As claims 3-4 depend on claim 1, claims 7-10 depend on claim 5 and claim 14-15 depend upon claim 11, Applicant respectfully submits that these dependent claims are not anticipated by Brahmaroutu for the same reasons. Applicant requests that the rejection under Section 102(e) be withdrawn.

Claims 2, 6 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brahmaroutu in view of United States Patent No. 5,940,389 to Yang et al. Applicant has amended claims 1, 5 and 11, upon which these rejected claims depend, to overcome the rejection based on Brahmaroutu. As claims 1, 5 and 11 are patentable over the Brahmaroutu, Applicant respectfully submits that dependent claims 2, 6 and 12 are patentable over the cited combination of Brahmaroutu and Yang for the same reason. Applicant therefore requests that the rejection under Section 103(a) be withdrawn.

As the Applicant has overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicant contends that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

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Respectfully submitted,
Stewart, Mark Andrew Whittaker

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